

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

FILED
January 27, 2000
Cecil Crowson, Jr.
Appellate Court Clerk

WOODRIDGE PROPERTIES, L.L.P.,)
)
Plaintiff/Appellee,)
)
VS.)
)
JAMES FRANCO-WARD and)
JANE A. FRANCO-WARD,)
)
Defendants/Appellants.)

Montgomery Circuit
No. C10-324
Appeal No.
M1999-00458-COA-R3-CV

ORDER

This appeal involves an attempt by a Woodridge Properties, L.L.P. (“Woodridge”) to gain possession of real property purchased at a foreclosure sale. The mortgagors, James C. Franco-Ward and Jane A. Franco-Ward defaulted on a promissory note secured by the real property and, after proper notice, a foreclosure sale was held. The mortgagee purchased the property at the foreclosure sale, and subsequently transferred it to Woodridge. When the Franco-Wards refused to move out, Woodridge brought this action in the General Sessions Court of Montgomery County. The general sessions court ordered that Woodridge be put in possession of the property. On the Franco-Wards’ appeal to the Montgomery County Circuit Court, the jury returned a verdict that Woodridge is entitled to possession of the property, and the trial judge entered a final judgment to that effect. The Franco-Wards appeal.

Our review of the record indicates that the judgment of the trial court should be affirmed in accordance with Tenn. Ct. App. R. 10(a),¹ and we remand the case to the trial court for whatever further proceedings may be required. We also tax the costs of this appeal to James C. Franco-Ward and Jane A. Franco-Ward for which execution, if necessary, may issue.

BEN H. CANTRELL,
PRESIDING JUDGE, M.S.

¹Tenn. Ct. App. R. 10(a) reads as follows:

Affirmance Without Opinion. The Court, with the concurrence of all judges participating in the case, may affirm the action of the trial court by order without rendering a formal opinion when an opinion would have no precedential value and one or more of the following circumstances exist and are dispositive of the appeal:

- (1) the Court concurs in the facts as found or as found by necessary implication by the trial court.
- (2) there is material evidence to support the verdict of the jury.
- (3) no reversible error of law appears.

Such cases may be affirmed as follows: "Affirmed in accordance with Court of Appeals Rule 10(a)."

WILLIAM C. KOCH, JR., JUDGE

WILLIAM B. CAIN, JUDGE